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AUG 03 2004

OFFICE OF PETITIONS

In re Application of :
Kotzin :
Application No.: 10/749,321 : ON PETITION
Filing Date: December 31, 2003 :
Attorney Docket No.: CS10665 :

This decision concerns the July 27, 2004 "Renewed Petition to Correct Filing Date" which is being properly treated as a renewed petition under 37 CFR 1.10(c).

The petition is **GRANTED**.

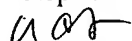
The petition requests a filing date of December 31, 2003 rather than the presently accorded filing date of January 2, 2004, on the basis that the application was deposited on December 31, 2003 in the U.S. Postal Service (USPS) "Express Mail Post Office to Addressee" ("Express Mail") service pursuant to the requirements of 37 CFR 1.10.

Accompanying the petition is a copy of printout from the USPS internal tracking record, showing that a package mailed under USPS "Express Mail" mailing label number "EH743680640US" was accepted by the USPS "Express Mail" on December 31, 2003 at 17:01. The same mailing label number is also contained in the original application transmittal which itemizes the application papers being mailed on December 31, 2003.

Although a true copy of the mailing label is not enclosed with the petition, there is sufficient information for inferring that this application was deposited in the USPS Express Mail on December 31, 2003. The petition is thus granted.

The application file is being returned to the Office of Initial Patent Examination for correcting the filing date to December 31, 2003; for mailing a corrected Filing Receipt reflecting that filing date; and for processing the declaration and replacement drawings submitted on June 17, 2004.

Telephone inquiries should be directed to the undersigned at (703) 308-0763.


RC Tang
Petitions Attorney
Office of Petitions